

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

DANIEL DeNARDO,

Plaintiff,

vs.

MUNICIPALITY OF ANCHORAGE,  
et al.,

Defendants.

Case No. 3:04-cv-00269-RRB

ORDER to AMEND  
APPLICATION to WAIVE  
APPELLATE FILING FEE

Daniel DeNardo, representing himself, has filed a notice of appeal, and an application to waive the appellate filing fee.<sup>1</sup> Because Mr. DeNardo did not obtain a fee waiver in his district court action,<sup>2</sup> under Federal Rule of Appellate Procedure 24(a)(3), he must apply to waive the filing fee on appeal. In addition, in order to grant Mr. DeNardo's application, the appeal must be taken in good faith under 28 U.S.C. § 1915(a)(3).<sup>3</sup>

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<sup>1</sup> See Docket Nos. 41, 42.

<sup>2</sup> See Docket No. 1 (the case was removed by the defendants).

<sup>3</sup> See *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) ("If at least one issue or claim is found to be non-frivolous, leave to

Application to Waive the Filing Fee

Mr. DeNardo failed to respond in full to all the questions on the application to waive the filing fee. For example, Mr. DeNardo failed to answer "yes" or "no" to the six questions at the top of page 3 of the application.<sup>4</sup> The Court must have full and complete information about Mr. DeNardo's financial status in order to make a decision regarding waiver of the filing fee. The Court has developed a form to obtain all the information it needs to make this decision. Mr. DeNardo will be allowed to file a new application on the enclosed Court form. Mr. DeNardo must **answer all questions** on the application fully, completely and directly, or the application will be denied. If a question does not apply, answer "N/A"; otherwise answer "yes" or "no", **check all applicable boxes**, fill in all blanks, and provide complete information as requested.

**IT IS HEREBY ORDERED** that:

1. Mr. DeNardo's request to waive the filing fee on appeal, at docket number 42, is DENIED with leave to amend.

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proceed in forma pauperis on appeal must be granted for the case as a whole.").

<sup>4</sup> See Docket No. 42-2 at 3. Although Mr. DeNardo claims to have only \$28.00 in cash, plus a \$50.00 television set, he also claims not to have any other assets, benefits, or other means of support.

2. Mr. DeNardo must file<sup>5</sup> an amended application to waive the filing fee **on the enclosed form**, on or before **July 6, 2006**, as set forth in this Order; otherwise, on or before **July 6, 2006**, he must pay the appellate court's \$455.00 filing fee.

DATED this 6th day of June, 2006, at Anchorage, Alaska.

/s/RALPH R. BEISTLINE  
United States District Judge

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<sup>5</sup> See Docket No. 42-1. If Mr. DeNardo chooses not to show his identification and personally file his amended application, he may mail his application to this Court for filing, as he did to the Ninth Circuit Court of Appeals with his initial application to waive the filing fee.